

ATTACHMENT 20



Deposition of:
Dr. T. Kim Parnell

September 24, 2021

In the Matter of:
**Rebotix Repair LLC v Intuitive
Surgical, Inc.**

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1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF FLORIDA

3 TAMPA DIVISION

4 Civil Case No. 8:20-cv-2274-T-33TGW

5 REBOTIX REPAIR LLC,

6 Plaintiff,

7 vs.

8 INTUITIVE SURGICAL, INC.,

9 Defendant.

10 REMOTE VIDEOTAPED DEPOSITION OF

11 DR. T. KIM PARNELL

12 Friday, September 24, 2021

13 8:07 a.m. PST

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25 Court Reporter: Michelle M. Boudreaux-Phillips, RPR

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September 24, 2021

8:07 a.m. PST

Remote videotaped deposition of
DR. T. KIM PARNELL, conducted at the location
of the witness in Sunnyvale, California,
pursuant to Agreement, before Michelle M.
Boudreaux-Phillips, a Registered Professional
Reporter in the State of Georgia.

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(Via Veritext Virtual)

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Videographer: Alan Pokotilow

Concierge: Brad Simms

1 into this category.

2 Q Is it your testimony that you have been
3 engaged professionally in cases involving minimally
4 invasive spinal surgery?

5 A No. I just listed spinal surgery as one type
6 of device, one type of surgical application.

7 Q Is it your testimony that you have been
8 engaged professionally in a case or cases involving
9 implantable devices and minimally invasive surgery?

10 MR. ERWIG: Objection to form.

11 THE WITNESS: Again, I am just using
12 implantable cardiovascular devices and other
13 types of devices of that sort and procedures
14 associated just to show my -- my experience
15 in this field.

16 Q (By Mr. Ruby) You identified a prior
17 engagement involving cannulas as being part of your
18 experience in minimally invasive surgery. Have you had
19 any other professional engagements where you were hired
20 to develop opinions regarding instruments used in
21 minimally invasive surgery?

22 A I do not believe so, beyond the types of
23 applications that I've described here and that my CV is
24 a complete listing of the engagements that I've had.

25 Q Have you been engaged professionally to

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1 develop opinions in respect to instruments used for
2 laparoscopic surgery?

3 A I do not believe so, beyond what's listed on
4 my CV.

5 Q Well, please direct our attention to anything
6 listed on your CV that represents a professional
7 engagement where you were hired to develop opinions
8 regarding instruments used in laparoscopic surgery. In
9 other words, you're free to look at your report.
10 That's why we had it marked. And if it will help you
11 in recalling things to look at your list of
12 engagements, you're free to do that.

13 A What I draw on in an engagement like this is
14 really the breadth and depth of experience that I have.
15 Sometimes those things have to be pulled together, but
16 I have strong mechanical engineering experience in
17 terms of materials and mechanisms and that sort of
18 thing. I have taught college-level courses related to
19 design and manufacturing of materials. So these are
20 all the experiences that I draw upon in terms of an
21 engagement or an assignment.

22 Q I'm asking a little bit different question.
23 The question is whether you have ever been engaged
24 professionally to provide opinions regarding
25 instruments used in minimally invasive surgery. Excuse

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1 me. Let me start over again. I misspoke.

2 Have you ever been engaged professionally to
3 provide opinions respecting instruments used in
4 laparoscopic surgery?

5 A As I said, whenever I get an engagement, I
6 draw on the experience that I have and, of course, I
7 also research and try to become more knowledgeable. I
8 often get into new areas, and they involve applying
9 really fundamentals associated with materials and
10 mechanisms and design.

11 As I sit here today, I don't recall others
12 that have dealt specifically with these types of
13 laparoscopic devices, but certainly I've had a broad
14 range of medical device experience that is relevant and
15 related.

16 Q Identify, please, the case where you have
17 been engaged that -- for an assignment which you think
18 is closest in terms of your knowledge of medical
19 devices to the Rebotix Repair versus Intuitive case.

20 MR. ERWIG: Objection to form.

21 Q (By Mr. Ruby) You told us that you have no
22 prior cases involving laparoscopic surgery. Is there a
23 case that you can point to on your CV that you think is
24 closest to the issues that are presented to you in this
25 engagement?

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1 MR. ERWIG: Same objection.

2 THE WITNESS: I wouldn't point to any
3 single case, but it's, you know, the sum and
4 breadth of my experience and the fundamentals
5 that are involved. That's what I bring to an
6 engagement.

7 Q (By Mr. Ruby) When were you retained in the
8 case of Rebotix Repair LLC versus Intuitive Surgical,
9 Inc.?

10 A I believe it was July 2021.

11 Q And what are the financial terms of your
12 engagement?

13 A I'm compensated on an hourly basis for the
14 time that I spend in consulting on the case in terms of
15 report preparation, in terms of deposition or trial
16 testimony.

17 Q Is your hourly rate the same for all of the
18 different functions that you might perform in this
19 case?

20 A Yes, it is.

21 Q And as part of your engagement for Rebotix,
22 do you keep track of the time that you spend on the
23 case for billing purposes and perhaps other purposes?

24 A Yes, I do. I have to track the time that I
25 spend for purposes of invoicing on the case.

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1 room with a da Vinci surgical system?

2 A Yes.

3 Q When was that?

4 A Again, one of the presentations that I
5 mentioned previously, there was a demonstration or unit
6 that was there at this presentation.

7 Q Have you ever observed a surgery that was
8 being accomplished with the aid of a da Vinci surgical
9 system?

10 A Through video recordings and things of that
11 sort to illustrate the steps, illustrate processes,
12 those I've seen.

13 Q When were you first exposed to a video that
14 you say showed a surgery being carried out with a da
15 Vinci surgical system?

16 A Again, a specific date, I don't have recall.
17 Probably sometime after 2012, 2015, something after
18 that time.

19 Q How many different surgeries do you say you
20 have observed either personally or electronically that
21 were carried out with the da Vinci surgical system?

22 A I would estimate probably less than 10.

23 Q What kinds of surgeries have you observed
24 that were being carried out with the da Vinci surgical
25 system?

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1 understanding is, you've seen them, haven't you?

2 A I have not seen all of the devices that are
3 listed here.

4 Q Well, have you seen any of the devices listed
5 here that are used by laparoscopic or endoscopic
6 surgeons?

7 MR. ERWIG: Objection to form.

8 THE WITNESS: Are you -- are you asking
9 about non-EndoWrist devices?

10 MR. RUBY: If you didn't understand my
11 question, I'll do my best to ask you another
12 one, so --

13 THE WITNESS: All right, yeah, please
14 rephrase that question.

15 Q (By Mr. Ruby) Have you ever seen the Potts
16 scissors that are used by the laparoscopic or
17 endoscopic surgeon as opposed to a surgeon using the da
18 Vinci surgical system and the instruments that are
19 listed here?

20 A I don't recall specifically seeing these
21 devices or examining the non-EndoWrist versions of
22 these devices. As I said, I was primarily focused on
23 the EndoWrist and processes associated with their
24 repair.

25 Q Well, in your report, you repeatedly compare